

## **TITLE 26. SWIMMING POOLS**

### **Chapter 26.01. Swimming Pools.**

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#### **26.01.010. Definitions.**

Swimming pool. The term "swimming pool," as used in this chapter, means any artificial or semi-artificial container, whether indoors or outdoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

Family swimming pool. The term "family swimming pool," as used in this chapter, means a swimming pool used and intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it without payment of any fee or consideration.

Public swimming pool. The term "public swimming pool," as used in this chapter, means every swimming pool other than a family swimming pool.

Inspections department. The term "inspections department," as used in this chapter, means the department of inspections of the city.

Health department. The term "health department," as used in this chapter, means the department of inspections of the city.

#### **26.01.020. Findings and Declaration of Policy.**

The Council finds and declares that the use of any swimming pools by a substantial number of people is a factor in the transmission of disease and in the occurrence of accidents causing bodily injury or death to human beings unless such pools are constructed, operated and maintained in accordance with proper minimum standards of engineering and sanitation. It is the policy and intent of the city to protect the public health and safety by requiring that all swimming pools in the city, insofar as possible, shall meet proper minimum standards of safety and sanitation designed and adapted to minimize the possibility of accidental injury and the transmission of disease through the medium of such pools or the common use thereof. The Council further finds and declares that these objectives can be achieved only through regulation and control of the design, construction, maintenance and operation of such pools.

#### **26.01.030. Regulations. Authority of Supervisor to Establish, Etc.**

The supervisor of the department of inspections is authorized, empowered and directed to establish, promulgate, amend and rescind such general regulations and such minimum standards for the design, construction, maintenance, operation and use of swimming pools in the city as he shall find to be necessary, proper or convenient for the protection of the public health and safety and the accomplishment of the purposes and objectives declared in 26.01.020. In establishing such regulations and minimum standards, the

supervisor may conduct such investigations and hearings as he may deem desirable and rely on any information which he may deem reliable.

**26.01.040. Filing Administrative Orders With Recorder. Effective Date. Distribution.**

Administrative orders establishing, promulgating, amending or rescinding such regulations shall be filed with the city recorder and submitted to the Council at its next regular meeting. Such regulations shall become effective upon the approval of the Council, or if neither approved or disapproved by the Council, within thirty days after the same shall have been submitted to the Council as aforesaid. The supervisor shall cause such regulations to be reproduced in sufficient quantities for distribution to interested persons and shall fix a reasonable price at which such regulations shall be sold to the public.

**26.01.050. Registration of Existing Swimming Pools.**

Every existing swimming pool in the city shall be registered with the health department upon forms which shall be provided by the department. The operator of each such pool and the owner and the occupant of the lands upon which the same is situated shall be jointly and severally responsible for the registration thereof. The registration forms shall specify the names of the owner and the occupant of the lands whereon the same is situated and the name of the operator thereof and the location of the pool and shall describe in brief and general terms the nature of the pool and the nature of the use and intended use thereof and the extent to which persons other than the owner or operator and his immediate family are or will be permitted to use the same.

**26.01.060. Construction Permit.**

Before any work is begun on the construction, alteration, enlargement, remodeling or improvement of a swimming pool, a permit therefor shall be obtained from the inspections department. Application for such permits shall be made in writing, in triplicate, and shall be signed by the owner thereof or his authorized representative. The owner and any contractor for the performance of any such work are jointly and severally responsible for procuring such permit before beginning work. The application shall specify the name of the owner and of each contractor who will perform work on the project, shall specify the location of the pool and in general terms the nature of the contemplated use of the pool. It shall be accompanied by plans and specifications for such pool and with pertinent explanatory data. A copy of the application and the plans and specifications and explanatory data shall be promptly reviewed by the inspections department and the health department. The health department shall promptly advise the inspections department in writing of its approval or disapproval thereof and if the same are disapproved it shall indicate briefly the reason for such disapproval. The inspections department shall also review such plans and specifications and if it appears that the same comply with all applicable ordinances and regulations and if the same are approved by the health department as complying with ordinances and regulations relating to health, sanitation and safety, the permit shall be issued. Otherwise the permit shall be refused and the applicant advised of the reason therefor.

**26.01.070. Failure to Follow Approved Plans.**

It is unlawful to construct, alter, remodel or enlarge any swimming pool in any manner which varies in any substantial or material particular from the plans and specifications approved by the inspections department and for which a permit has been issued.

**26.01.080. Permit Required to Operate Public Swimming Pool. Application. Issuance or Refusal. Posting.**

It is unlawful to use or operate any public swimming pool in the city without a permit to do so issued by the health department and in full force and effect. Application for the permit shall be made to the health department on forms to be provided by the health department. The application shall specify the name of the owner and operator of the pool, the location of the pool, the nature of the contemplated use and operation thereof and such other pertinent data as the department may reasonably require to enable the department to determine compliance or noncompliance with the minimum sanitation and safety standards and regulations. The department shall promptly review such application and inspect the pool and facilities and make such tests as may be necessary to determine whether such pool complies and will be able to continue to comply with such standards and regulations and if the pool does comply the department shall issue a permit for the operation thereof. If the pool does not comply or if the department, in the exercise of its sound discretion, shall determine that the pool will in reasonable probability not continue to comply with such standards and regulations because of the unsatisfactory conditions or facilities found to exist, the department shall refuse

to issue such permit until compliance is had and suitable provision for future compliance is provided. The permit shall be conspicuously posted at the pool.

**26.01.090. Right of Entry at Swimming Pools. Records and Samples.**

The authorized representatives of the health department shall have the right at all reasonable times to enter upon and inspect all public or private swimming pools for continued compliance with all applicable ordinances, regulations and minimum standards. It may require the owner or operator from time to time to keep such records and to submit such samples as it may find necessary or convenient to determine such compliance.

**26.01.100. Duration of Permit to Operate Public Swimming Pool. Suspension and Revocation.**

A permit for the operation of a public swimming pool shall be effective until suspended or revoked. It is the duty of the health department whenever it shall find and determine that any public swimming pool fails to comply with and conform to applicable ordinances, regulations and minimum standards of sanitation and safety, whether by reason of the inadequacy or failure of any accessory or facility or part of the pool, or by reason of the failure of the operator to operate and maintain the same in compliance with regulations and standards for operation, forthwith to suspend such permit and to take up the permit theretofore issued and to post in its place a notice of suspension. In the event the deficiencies are corrected within sixty days thereafter the health department shall restore such operating permit but if such deficiencies are not corrected within such period of time, or within such extended period of time as the health department may reasonably grant, the department shall revoke such permit and shall conspicuously post a notice of such revocation at the pool. Thereafter such pool shall not be operated as a public pool except upon new application and the granting of a new operating permit.

**26.01.110. Operation of Substandard Pool.**

It is unlawful for any person, whether as owner, lessee, licensee or operator, to operate or permit the use of a swimming pool unless the same is maintained and operated and, as to all pools constructed after August 20, 1959, is constructed in full and complete compliance with all applicable laws, ordinances, regulations and standards of sanitation and safety.

**26.01.120. Violation of Chapter Or Regulations a Misdemeanor.**

Any violation of this chapter or of any regulations promulgated hereunder is a misdemeanor.

**26.01.130. Noncomplying Pool Declared a Nuisance.**

Every swimming pool constructed, altered, remodeled, enlarged, maintained, operated or used in violation of any provision of this chapter or of any regulation promulgated pursuant to this chapter is declared to be a public nuisance and is subject to abatement as provided by law and ordinance.